

-Disability Claims Modernization Act (H.R. 5892) Makes the Most Comprehensive Overhaul of VA Disability Claims System in a Generation-

-Escalating Backlog of Claims Cases Expected to Surpass One Million in 2009-

Washington, DC – With more than one million disabled veterans expected to be stuck in the claims backlog at the Department of Veterans' Affairs (VA) next year, U.S. Rep. John Hall's (D-NY19) landmark bill to comprehensively overhaul the VA disability benefits system passed the House overwhelmingly today by a vote of 429 to 0. As Chairman of the House Veterans Affairs Subcommittee on Disability Assistance, Hall has been working for over a year and a half on this legislation that will bring veterans and their survivors better and faster assistance from the VA. In 2007, more than 838,000 claims for disability assistance from veterans were pending at the VA, and the number has been rising rapidly.

"We can and must change the way Washington treats our injured veterans," said Hall.

"Veterans currently face an overly bureaucratic administration at the VA. Heroes returning from war deserve to receive the benefits they have earned easily and promptly. My legislation will make sure veterans receive timely, accurate, and quality attention from a grateful nation."

Currently, disabled veterans suffering from combat wounds are faced with an adversarial claims processing system as well as an average six-month wait before receiving assistance. Many veterans or their surviving spouses or families are forced to wait for years, and in some cases decades, for the VA to accept their disability pension claims.

Hall's legislation, the Disability Claims Modernization Act, would make several sweeping changes to the way the VA processes disability claims so that injured veterans can get the benefits they are owed easier. A veteran's disability claim first has to be approved before a veteran may receive a monthly pension and expanded access to VA health care.

"The backlog at the VA is a national disgrace," said Hall on the House floor. "It violates the contract we have with every man and woman who serves in our Armed Forces, that our nation will provide the benefits and care they have earned by their service and sacrifice."

Hall's legislation has 78 cosponsors, bipartisan support, and is supported by the major veterans organizations.

Hall has held a series of subcommittee hearings about the claims backlog, including a field hearing in New Windsor on Oct. 9, 2007. At that session, disabled veterans from the Hudson Valley including Alex Lazos of Monroe, Eddie Senior of West Harrison, the late Ted Wolf of Pomona, and Eddie Ryan of Ellenville, testified about the hardships they faced due to the lengthy delays in obtaining VA approval of their claims. One of many individual cases handled by Hall's office is that of World War II Navy veteran Ken MacDonald of Buchanan. He had tried since 1947 to receive disability compensation for injuries he suffered – not once, but twice, on ships that went down. Finally, in 2007, 60 years later, with the help of Hall's office, MacDonald's claim was finally approved when the VA determined he had been misdiagnosed. He received over \$100,000 in back pay and a pension for the rest of his life.

At subcommittee hearings in Washington, Members of Congress heard testimony from veterans such as Tai Cleveland of Virginia. Marine Gunnery Sergeant Tai Cleveland was injured in Kuwait in August 2003. He was left a paraplegic with traumatic brain injury. Even though loss of limbs should be an obvious and incontestable injury, the VA approved his claim for compensation only after 11 months and the intervention of a Member of Congress. Meanwhile, his family had to withdraw their children from college to save money. Had he been able to get a partial rating such as Hall's bill now requires, he would have received 80% of his benefits right away instead of waiting almost a year.

The Disability Modernization Act would:

- Provide immediate payment on severe, undisputed service-connected injuries such as missing limbs, paralysis, and traumatic brain injuries. Currently veterans with these major injuries have to wait for every single lesser injury to be evaluated, processed and rated by the VA before receiving any benefits (average wait: six months).
- Bring the VA into the 21st century by requiring a conversion to electronic records and modern information technology. Some veterans claims records are still literally held together with rubber bands and covered with sticky notes. The loss of these paper files has been a major cause of the backlog and delays.
- Allow the surviving spouse or child of a veteran who dies while waiting for his disability claim to be processed to take the veteran's place in line while the claims process continues. This would save a veteran's survivors months or even years of frustration and waiting. Currently, when a veteran dies while a claim is being considered by the VA, a surviving wife or child has to start all over again to have the claim considered – even if it has been stuck in the backlog for years.

The White House Domestic Policy Office expressed their interest in the bill as "good government" and its deference to recommendations by the Veteran's Disability Benefits Commission and the President's Commission on Care for America's Returning Wounded Warriors. Additionally, the Disabled American Veterans (DAV), The American Legion, Veterans of Foreign Wars (VFW), AMVETS, National Veterans Legal Service Program, National Organization of Veterans Advocates, Vietnam Veterans of America, National Association for Uniformed Services, The Retired Enlisted Association (TREA), and the American Federation of Government Employees have all sent letters in support of The Veterans Disability Benefits Claims Modernization Act of 2008.

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